

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

KATIE FONDREN CARSON, as Administratrix
of the Estate of Brian Christopher Ray, AND
on Behalf of the Wrongful Death Beneficiaries of Brian Christopher Ray,
AND as Mother and Next Friend of B.Z.R., a Minor PLAINTIFFS

VERSUS

NO. 3:23CV3063-HTW-LGI

RANKIN COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

JURY TRIAL DEMANDED

MOTION TO FILE FIRST AMENDED COMPLAINT

COME NOW the Plaintiffs, by and through counsel of record, pursuant to
Federal Rule of Civil Procedure 15(a), and file their Motion to File First Amended
Complaint. For cause, Plaintiffs show the Court as follows:

1. The Plaintiffs seek to amend their Complaint to cure alleged deficiencies in the
pleadings, by dismissing several of the individual defendants; by including averments
which set forth with greater specificity the basis for the individual liability of the
remaining individual defendants; and to set forth with greater specificity the basis for
the Monell liability of the Defendant Rankin County.

2. The Plaintiffs seek to amend their Complaint in response to the defendants'
motions for judgment on the pleadings or in the alternative, motions for summary
judgment.

3. It is possible the defendants' dispositive motions may be converted into and

treated as ones for summary judgment.

4. The filing of the first amended complaint is to ensure that the pleadings at this stage of the litigation are correct and consistent with certain deposition testimony, statements taken and documents produced by the parties which bear upon the facts of this case.

5. The granting of this motion will not impact any scheduling deadlines in this civil action as this matter is stayed pending the resolution of the qualified immunity motions which the proposed First Amended Complaint addresses.

6. This motion is not being filed for purposes of delay or harassment but to further the ends of justice. The defendants will not be prejudiced by allowing this amendment.

7. A copy of the proposed First Amended Complaint is attached hereto as Exhibit "A."

8. Under Fed. R. Civ. P. 15(a), leave to amend should be liberally allowed and leave to amend may not be denied unless there is a showing of prejudice and substantial reasons to deny leave to amend. Dussouy v Gulf Coast Inv. Corp., 660 F. 2d 594, 598 (5th Cir. 1981).

9. Because this motion is self-explanatory and brief, the Plaintiffs request to be relieved from the obligation of filing a supporting memorandum pursuant to Uniform

Local Rule 7.2(b)(2).

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs request that this Court grant their Motion to File First Amended Complaint and allow them to file the First Amended Complaint within ten (10) days of the entry of the Order allowing amendment

Respectfully submitted, this the 17th day of March, 2025.

/s/ Victor Israel Fleitas

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